

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:05 a.m. on March 11, 2009, in Room 784 of the Docking State Office Building.

All members were present except:

Representative Scott Schwab- absent

Committee staff present:

Renaë Jefferies, Office of the Revisor of Statutes

Daniel Yoza, Office of the Revisor of Statutes

Jerry Donaldson, Kansas Legislative Research Department

Dennis Hodgins, Kansas Legislative Research Department

Stephen Bainum, Committee Assistant

Others attending:

See attached list.

The meeting was called to order by Chairman Steve Brunk at 9:05 a.m. The minutes for February 16 and 17, March 3, 4 and 5 were approved. The Chairman called upon the Committee to work **SB 29**.

SB 29 - Board of technical professions; relating to licensure.

The Chairman called upon Renaë Jefferies, Assistant Revisor to give a briefing on the bill.

Representative Brunk recapped the changes as rather than just a corporation we are allowing any business entity, we are staggering the licenses and allowing intern positions to be official positions.

The Chairman asked Renaë to present the balloons on the bill. Renaë first presented the Revisor's Technical Amendment (Attachment 1). The only change was striking out the word "themselves" and inserting the words "one's self." It was a change to use the proper term to describe one's self.

Representative Grant made a motion to adopt the Technical Balloon. The motion was seconded by Representative Gatewood. The motion carried.

Renaë presented the changes in the George Barbee Balloon Amendment (Attachment 2). On page 3 lines 39 and 40 were changed to read "the locating or laying out of alignments, positions or elevations where such work is part of the construction of engineering or architectural works". On page 11 lines 28 through 30 are stricken and replaced by the following sentence: The locating or laying out of alignments, positions or elevations where such work is part of the construction of engineering or architectural works". On page 13 line 23 the word "first" is stricken and replaced with the word "last".

Representative Grant made a motion to approve the Barbee Balloon Amendment. The motion was seconded by Representative Tietze. The motion carried.

We are back on the bill as amended. Representative Grant made a motion to pass out **SB 29** favorable for passage as amended. Representative Gatewood seconded the motion. The motion carried.

The Chairman called for the Committee to work **Sub SB 91**.

Sub for SB 91 - Planning and zoning; vesting of development rights.

Renaë Jefferies, Assistant Revisor briefed the Committee on the changes in **Sub SB 91** (Attachment 3).

Representative Brunk commented that the bill would use the word "substantial" rather than 35%, mobile homes were dropped from the bill and manufactured and modular homes were added.

Representative Gatewood mentioned an old school building next to his house and someone wanted to build apartments at that location. Would this bill allow someone to hold on to that land for 8 years, doing nothing with it and then start construction with substantial completion by the 10th year? Renaë said that under current

CONTINUATION SHEET

Minutes of the House Commerce and Labor Committee at 9:05 a.m. on March 11, 2009, in Room 784 of the Docking State Office Building.

law their rights would vest upon issuance of permits by the city. In the future under the proposed bill they would have 10 years.

Representative Worley said that the comment was made that under this bill Representative Gatewood's example would be considered as residential development so that there would be no requirement that it be 35% or substantially completed. The bill is about protecting the developer after he has followed the rules by obtaining the proper permits. The city or the county can't come in and say they have changed their minds. As far as waiting 8 years to start construction, no one wants to wait. You don't make money off of vacant land. In actuality they could wait because they have 10 years of protected interest.

Representative Gatewood asked why it was necessary to double that length of time. Representative Worley replied that this law was written at a time when there were not as many environmental and zoning requirements as now and funding wasn't as big as it is now.

Representative Gatewood asked what would happen if a developer went bankrupt. Representative Worley said that someone would have to sell that property. The bill is intended to protect the developer who has followed all the rules and protects them from the changes made by a new planning commission after they have invested time and money.

Representative Worley was not sure that this bill would be applicable to Representative Gatewood's example.

Representative Gatewood asked for staff opinion. Representative Brunk explained that Representative Worley felt that this would be a redevelopment with new zoning inside the city on land that already had a structure on it and **SB 91** would apply more to new developments.

Representative Grange asked for clarification on page 1, line 23 as to why we would delete mobile homes. Renae said that Martha Nae Smith had requested that change. Martha Nae Smith said that mobile homes were built prior to 1976 and this bill was concerned with new development and you would not want 1976 or older homes brought in.

Representative Worley made a motion to approve for passage Sub SB 91. Representative Hermanson seconded the motion. The motion carried.

The meeting was adjourned at 09:45 a.m.